

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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A.C. et al, :
Plaintiffs, : 21 Civ. 5600 (PAE)
-v- :
NEW YORK CITY DEPARTMENT OF EDUCATION, :
Defendant. :
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PAUL A. ENGELMAYER, District Judge:

On December 3, 2021, the Court received a letter from the parties seeking a third extension of time for defendant to respond to the complaint, to January 4, 2022. Dkt. 13. The Court has already granted multiple requests for extensions of time to respond to the complaint, which was initially due August 5, 2021, most recently instructing the parties that no further extensions would be granted. *See* Dkts. 7, 12. The delay appears to have been wrought by plaintiffs' counsel's failure to send to defendant, until early November 2021, its billing records, receipt of which defendant needs to obtain authority to settle this case—which defendant has informed the Court occurs in “the overwhelming majority” of actions of the sort plaintiffs bring here. *See* Dkt. 7. Because plaintiffs' counsel has finally submitted its billing records, and to avoid undue prejudice plaintiffs would face due to their counsel's apparent delay, the Court will grant—for the last time—the parties' request to extend the deadline to respond to the complaint. The following deadlines shall govern:

- January 7, 2022: Deadline for defendant to respond to the complaint.

- January 21, 2022: Deadline for the parties to submit a joint status letter indicating whether the matter has been fully resolved. If the parties are unable to resolve this matter, the letter shall propose a *prompt* briefing schedule for a motion for fees and costs. The Court will not extend the deadlines set forth in this order, and the parties are admonished not to request one.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: December 6, 2021
New York, New York